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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT

PAPER NUMBER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/021,875	Applicant(s) KANO ET AL.	
	Examiner MICHAEL VAN HANDEL	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-8,11-15,26 and 29-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,11-15,26 and 29-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/03/2010 has been entered.

Response to Amendment

2. This action is responsive to an Amendment filed 3/03/2010. Claims **1, 4-8, 11-15, 26, 29-34** are pending. Claims **1, 8, 26, 34** are amended. Claims **2, 3, 9, 10, 16-25, 27, 28, 35-56** are canceled.

Response to Arguments

3. Applicant's arguments regarding claims **1, 8, 26, and 34**, filed 3/03/2010, have been fully considered, but they are not persuasive.

Regarding claims **1, 8, 26, and 34**, the applicant argues that neither Patsiokas nor Benjamin et al. teaches the user preset key information being determined to be included in the payload portion when the user preset key information is itself included in the payload portion and when a variation of the user preset key information is included in the payload portion. The examiner respectfully disagrees. The examiner first notes the new grounds of rejection below.

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Benyamin et al. discloses searching song tracks online and adding the tracks if user criteria is found in the ID3 tag properties (col. 13, l. 47-65 & col. 14, l. 10-21). Benyamin et al. further discloses that the ID3 tag can contain only one property, such as artist “Beatles” and the user can search only for artist “Beatles” (col. 13, l. 46-65; col. 14, l. 20-26; & col. 15, l. 33-42). The examiner interprets this to be determining the user preset key information “to be included in the payload portion when the user preset key information is itself included in the payload portion,” as currently claimed. Benyamin et al. further discloses that the user can search only for artist “Beatles,” while the properties can include artist “Beatles,” as well as album title, genre, etc. The examiner interprets this to be determining that the user preset key information is included in the payload portion “when ... a variation of the user preset key information is included in the payload portion,” as currently claimed.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims **1, 4-7, 11, 14, 15, 29, 32-34** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Referring to claim 1, the examiner fails to find support in Applicant's specification for the limitation "storing, from the additional information, only the payload of the data portion thereof in a storage medium only if the user preset key information is determined to be included in the payload portion of the additional information." Page 4, paragraph 67 of the published version of Applicant's specification states that "the user is allowed to set information which may be included in the header portion of the additional information ... so that only the payload in the data portion is stored on the PC 200" (p. 4, paragraph 67 of published version of Applicant's specification US 2002/0101538). While Applicant's specification describes storing only the payload of the additional information when the user preset key information is included in the header portion, the examiner fails to find support for storing only the payload when the user preset key information is included in the payload portion.

Referring to claim 4, the examiner fails to find support in Applicant's specification for the phrase "storing, in addition to the payload of the data portion of the additional information, main information of the associated program in the storage medium if the key information is determined to be included in the header portion of the additional information" in light of claim 1. Claim 1 states that if the preset key information is determined not to be included in the payload portion of the additional information, it is deleted; however, claim 4 states that if it is found in the header it is stored. The examiner fails to find support in Applicant's specification for a scenario where the preset key information is found in both the payload and the header of the data portion, and it is unclear how claim 4 would work in light of claim 1 except for a scenario where the key information is included in both.

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Referring to claim **5**, the examiner fails to find support in Applicant's specification for the phrase "storing accompanying information in association with the additional information if the key information is determined to be included in the header portion of the additional information..." The examiner fails to find a description of storing the accompanying information without storing the additional information. As noted with respect to claim 4 above, the examiner fails to find support in Applicant's specification for a scenario where the preset key information is found in both the payload and the header of the data portion, and it is unclear how claim 5 would work in light of claim 1 except for a scenario where the key information is included in both.

Claims **6** and **7** are rejected as being dependent on claim 1.

Referring to claim **11**, the examiner fails to find support in Applicant's specification for the phrase "transferring, in addition to the additional information including the key information, main information of the associated program to the external device if the key information is determined to be included in the header portion of the additional information" in light of claim 8. Claim 8 states that if the user preset key information is determined not to be included in the payload portion of the additional information, it is deleted; however, claim 11 states that if it is found in the header it is transferred. The examiner fails to find support in Applicant's specification for a scenario where the preset key information is found in both the payload and the header of the data portion, and it is unclear how claim 11 would work in light of claim 8 except for a scenario where the key information is included in both.

Referring to claim **14**, the examiner fails to find support in Applicant's specification for the phrase "storing the additional information in the storage means if it is determined that the key

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information is included in the header portion of the additional information, and ... transferring the stored additional information to the external device at a predetermined timing” in light of claim 8. Claim 8 states that if the user preset key information is determined not to be included in the payload portion of the additional information, it is deleted; however, claim 14 states that if it is found in the header it is stored and transferred. The examiner fails to find support in Applicant’s specification for a scenario where the preset key information is found in both the payload and the header of the data portion, and it is unclear how claim 14 would work in light of claim 8 except for a scenario where the key information is included in both.

Referring to claim **15**, the examiner fails to find support in Applicant’s specification for the phrase “storing the additional information in storage means if it is determined that the key information is included in the header portion of the additional information, and said transferring step includes deleting the stored additional information from the storage means after the additional information has been transferred to the external device” in light of claim 8. Claim 8 states that the additional information is transferred to an external device only if the user preset key information is , determined to be included in the payload portion of the additional information; however, claim 15 states that it is transferred if it is included in the header portion. The examiner fails to find support in Applicant’s specification for a scenario where the preset key information is found in both the payload and the header of the data portion, and it is unclear how claim 15 would work in light of claim 8 except for a scenario where the key information is included in both.

Referring to claim **29**, the examiner fails to find support in Applicant’s specification for the phrase “communications unit transfers, in addition to the additional information including the

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key information, main information of the associated program to the external device if the key information is determined to be included in the header portion of the additional information” in light of claim 26. Claim 26 states that the communications unit transfers the additional information to an external device only if said control unit determines that the user preset key information is included in the payload portion of the additional information; however, claim 29 states that it is transferred if it is included in the header portion. The examiner fails to find support in Applicant’s specification for a scenario where the preset key information is found in both the payload and the header of the data portion, and it is unclear how claim 29 would work in light of claim 26 except for a scenario where the key information is included in both.

Referring to claim **32**, the examiner fails to find support in Applicant’s specification for the phrase “storing the additional information, wherein the additional information is stored in said storage means if said control unit determines that the key information is included in the header portion of the additional information, and said communications unit transfers the stored additional information to the external device at a predetermined timing” in light of claim 26. Claim 26 states that the communications unit transfers the additional information to an external device only if said control unit determines that the user preset key information is included in the payload portion of the additional information; however, claim 32 states that it is transferred if it is included in the header portion. The examiner fails to find support in Applicant’s specification for a scenario where the preset key information is found in both the payload and the header of the data portion, and it is unclear how claim 32 would work in light of claim 26 except for a scenario where the key information is included in both.

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Referring to claim **33**, the examiner fails to find support in Applicant's specification for the phrase "the additional information is stored in said storage means if said control unit determines that the key information is included in the header portion of the additional information, and the additional information is deleted from said storage means after said communications unit transfers the additional information to the external device" in light of claim 26. Claim 26 states that the communications unit transfers the additional information to an external device only if said control unit determines that the user preset key information is included in the payload portion of the additional information; however, claim 33 states that it is transferred if it is included in the header portion. The examiner fails to find support in Applicant's specification for a scenario where the preset key information is found in both the payload and the header of the data portion, and it is unclear how claim 33 would work in light of claim 26 except for a scenario where the key information is included in both.

Referring to claim **34**, the examiner fails to find support in Applicant's specification for the limitation "storage means which stores, from the additional information, only the payload of the data portion thereof in a storage medium only if said control unit determines that the user preset key information is included in the payload portion of the additional information." Page 4, paragraph 67 of the published version of Applicant's specification states that "the user is allowed to set information which may be included in the header portion of the additional information ... so that only the payload in the data portion is stored on the PC 200" (p. 4, paragraph 67 of published version of Applicant's specification US 2002/0101538). While Applicant's specification describes storing only the payload of the additional information when the user

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preset key information is included in the header portion, the examiner fails to find support for storing only the payload when the user preset key information is included in the payload portion.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim **1, 4-8, 11-15, 26, 29-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Benjamin et al. (of record) in view of Patsiokas (of record).

Referring to claim **1**, Benjamin et al. discloses a method of storing additional information, the method comprising:

- receiving additional information in which the additional information is multiplexed with an audio program (col. 8, l. 4-13; col. 14, l. 28-46; & Fig. 13), the additional information having a data portion that includes a payload (track properties in ID3 tag) and a header portion that includes information associated with the payload (tag field “TAG”)(col. 14, l. 28-46);
- determining whether user preset key information is included in the payload portion of the additional information, the user preset key information being determined to be included in the payload portion (col. 13, l. 47-65 & col. 14, l. 10-21) when the user preset key information itself is included in the payload portion (if the criteria is artist “Beatles” and there is only the artist property in the file and it matches as “Beatles,”

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the track is stored)(col. 13, l. 46-65; col. 14, l. 20-26; & col. 15, l. 33-42) and when a variation of the user preset key information is included in the payload portion (if the criteria is artist “Beatles” and there are multiple properties, including artist “Beatles,” as well as album title, genre, etc., the track is stored regardless of these additional properties)(col. 13, l. 46-65; col. 14, l. 20-26; & col. 15, l. 33-42);

- storing, from the additional information, the payload of the data portion thereof in a storage medium only if the user preset key information is determined to be included in the payload portion of the additional information (col. 14, l. 20-26); and
- deleting the additional information if the user preset key information is determined not to be included in the payload portion of the additional information (if there is no match, the track is not stored in the playlist)(col. 14, 20-26 & Fig. 20).

Benyamin et al. does not specifically disclose that the additional information is received from a receiver that receives a digital radio broadcast. Patsiokas discloses a satellite radio receiver which receives music multiplexed with a content identification header (col. 4, l. 31-41).

Patsiokas further discloses determining whether to store the content identification header based on user preferences (col. 6, l. 48-64). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Benyamin et al. to receive satellite radio and determine whether to store identifiers for a satellite radio selection, such as that taught by Patsiokas in order to provide access to a greater amount of content.

The combination of Benyamin et al. and Patsiokas does not specifically teach that only the payload of the additional information is stored if the user preset key information exists.

Patsiokas discloses storing only song properties and not additional data in the header when user

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preferences dictate storing the content identification header (col. 6, l. 47-50, 59-61). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the storing of the entire ID3 tag, including the tag field of Benyamin et al. to only store the song properties, such as that taught by Patsiokas in order to save storage space (Patsiokas col. 6, l. 38-50).

Referring to claim 4, the combination of Benyamin et al. and Patsiokas teaches the method of storing additional information according to claim 1. Benyamin et al. further discloses storing main information of the associated program in the storage medium in addition to the payload of the data portion of the additional information if key information is determined to be included in the payload of the additional information (file includes ID3 tag and the audio content)(col. 14, l. 10-29). The combination of Benyamin et al. and Patsiokas does not specifically teach that the main information is stored if the key information is determined to be included in the header portion of the additional information. Patsiokas discloses searching for a recordability flag when a user indicates a desire to record a song (col. 4, l. 48-64). If the recordability flag permits recording, the identifying code pertaining to the selection currently being played or displayed is stored without the flag so that the user can later order the selections (col. 4, l. 57-64 & col. 6, l. 47-50, 59-61). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the track storing method of Benyamin et al. to also search a recordability header when a user desires to record content, such as that taught by Patsiokas in order to prevent the user from violating the rights of the content providers and/or artists (Patsiokas col. 1, l. 49-53).

Referring to claim 5, the combination of Benyamin et al. and Patsiokas teaches the method of storing additional information according to claim 1. The combination of Benyamin et al. and Patsiokas does not specifically teach that the storing step includes storing accompanying information in association with the additional information if the key information is determined to be included in the header portion of the additional information, the accompanying information including at least one of a timestamp, a user-provided tag, or a user-provided heading. Patsiokas discloses searching for a recordability flag when a user indicates a desire to record a song (col. 4, l. 48-64). If the recordability flag permits recording, the identifying code pertaining to the selection currently being played or displayed is stored without the flag so that the user can later order the selections (col. 4, l. 57-64 & col. 6, l. 47-50, 59-61). Patsiokas further discloses that the identifying code includes a composite signal indicating the time and channel (col. 2, l. 10-11). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the ID3 tag storing of Benyamin et al. to also include storing a timestamp associated with when the program was played, such as that taught by Patsiokas in order to provide a user with more information describing the content.

Referring to claim 6, the combination of Benyamin et al. and Patsiokas teaches the method of storing additional information according to claim 1, wherein said receiving step includes receiving, from the receiver, further additional information of a program other than the program that is received and transferred by the receiver (other tracks are searched)(Benyamin et al. Fig. 20).

Referring to claim 7, the combination of Benyamin et al. and Patsiokas teaches the method of storing additional information according to claim 1, further comprising transferring

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the stored payload of the data portion of the additional information to said receiver, wherein said receiver displays the transferred additional information on a display unit of thereof (Benyamin et al. Fig. 13).

Referring to claim 8, Benyamin et al. discloses a method of transferring additional information, the method comprising:

- receiving additional information in which the additional information is multiplexed with an audio program (col. 8, l. 4-13; col. 14, l. 28-46; & Fig. 13), the additional information having a data portion that includes a payload (track properties in ID3 tag) and a header portion that includes information associated with the payload (tag field “TAG”)(col. 14, l. 28-46);
- determining whether user preset key information is included in the payload portion of the additional information, the user preset key information being determined to be included in the payload portion (col. 13, l. 47-65 & col. 14, l. 10-21) when the user preset key information itself is included in the payload portion (if the criteria is artist “Beatles” and there is only the artist property in the file and it matches as “Beatles,” the track is stored)(col. 13, l. 46-65; col. 14, l. 20-26; & col. 15, l. 33-42) and when a variation of the user preset key information is included in the payload portion (if the criteria is artist “Beatles” and there are multiple properties, including artist “Beatles,” as well as album title, genre, etc., the track is stored regardless of these additional properties)(col. 13, l. 46-65; col. 14, l. 20-26; & col. 15, l. 33-42);

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- transferring the additional information to an external device (selected device) only if the user preset key information is determined to be included in the payload portion of the additional information (col. 13, l. 30-32 & col. 14, l. 20-26); and
- deleting the additional information if the user preset key information is determined not to be include in the payload portion of the additional information (if there is no match, the track is not stored in the playlist)(col. 14, 20-26 & Fig. 20).

Benyamin et al. does not specifically disclose that the additional information is received from a receiver that receives a digital radio broadcast. Patsiokas discloses a satellite radio receiver which receives music multiplexed with a content identification header (col. 4, l. 31-41).

Patsiokas further discloses determining whether to store the content identification header based on user preferences (col. 6, l. 48-64). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Benyamin et al. to receive satellite radio and determine whether to store identifiers for a satellite radio selection, such as that taught by Patsiokas in order to provide access to a greater amount of content.

Referring to claim **11**, the combination of Benyamin et al. and Patsiokas teaches the method of transferring additional information according to claim 8. Benyamin et al. further discloses transferring, in addition to the additional information including the key information, main information of the associated program to the external device if the key information is determined to be included in the payload of the additional information (file includes ID3 tag and the audio content)(col. 13, l. 30-32 & col. 14, l. 10-29). The combination of Benyamin et al. and Patsiokas does not specifically teach that the main information is transferred if the key information is determined to be included in the header portion of the additional information.

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Patsiokas discloses searching for a recordability flag when a user indicates a desire to record a song (col. 4, l. 48-64). If the recordability flag permits recording, the identifying code pertaining to the selection currently being played or displayed is stored without the flag so that the user can later order the selections (col. 4, l. 57-64 & col. 6, l. 47-50, 59-61). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the track transferring method of Benyamin et al. to also search a recordability header when a user desires to record and transfer content, such as that taught by Patsiokas in order to prevent the user from violating the rights of the content providers and/or artists (Patsiokas col. 1, l. 49-53).

Referring to claim **12**, the combination of Benyamin et al. and Patsiokas teaches the method of transferring additional information according to claim 8, wherein said receiving step includes receiving further additional information of a program other than the program being received (other tracks are searched)(Benyamin et al. Fig. 20).

Referring to claim **13**, the combination of Benyamin et al. and Patsiokas teaches the method of transferring additional information according to claim 8, further comprising receiving the payload of the data portion of the additional information from the external device, and displaying the transferred additional information on a display unit (music is transferred to the disk cartridge, and then transferred to the head unit, where the tracks are displayed)(Benyamin et al. col. 4, l. 36-51; col. 8, l. 4-23; & col. 18, l. 1-20, 40-49).

Referring to claim **14**, the combination of Benyamin et al. and Patsiokas teaches the method of transferring additional information according to claim 8, wherein said determining step includes storing the additional information in storage means if it is determined that the key information is included in the payload portion of the additional information (Benyamin et al. col.

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14, l. 20-26), and said transferring step includes transferring the stored additional information to the external device at a predetermined timing (after a request to synchronize)(Benyamin et al. col. 16, l. 59-67; col. 17, l. 1-2; & Fig. 19). The combination of Benyamin et al. and Patsiokas does not specifically teach that the determining step includes storing the additional information in storage means if it is determined that the key information is included in the header portion of the additional information. Patsiokas discloses searching for a recordability flag when a user indicates a desire to record a song (col. 4, l. 48-64). If the recordability flag permits recording, the identifying code pertaining to the selection currently being played or displayed is stored without the flag so that the user can later order the selections (col. 4, l. 57-64 & col. 6, l. 47-50, 59-61). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the track transferring method of Benyamin et al. to also search a recordability header when a user desires to record and transfer content, such as that taught by Patsiokas in order to prevent the user from violating the rights of the content providers and/or artists (Patsiokas col. 1, l. 49-53).

Referring to claim **15**, the combination of Benyamin et al. and Patsiokas teaches the method of transferring additional information according to claim 8, wherein said determining step includes storing the additional information in storage means if it is determined that the key information is included in the payload portion of the additional information (Benyamin et al. col. 14, l. 20-26), and said transferring step includes deleting the stored additional information from the storage means after the additional information has been transferred to the external device (the user can remove tracks from the playlist after transferring them to the disk cartridge)(Benyamin et al. col. 12, l. 51-55 & col. 16, l. 59-67). The combination of Benyamin et al. and Patsiokas

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does not specifically teach storing the additional information in storage means if it is determined that the key information is included in the header portion of the additional information.

Patsiokas discloses searching for a recordability flag when a user indicates a desire to record a song (col. 4, l. 48-64). If the recordability flag permits recording, the identifying code pertaining to the selection currently being played or displayed is stored without the flag so that the user can later order the selections (col. 4, l. 57-64 & col. 6, l. 47-50, 59-61). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the track transferring method of Benyamin et al. to also search a recordability header when a user desires to record and transfer content, such as that taught by Patsiokas in order to prevent the user from violating the rights of the content providers and/or artists (Patsiokas col. 1, l. 49-53).

Referring to claim **26**, Benyamin et al. discloses a receiver (computer 124), comprising:

- a receiving unit which receives additional information from song tracks in which additional information is multiplexed with an audio program (col. 8, l. 4-13; col. 14, l. 28-46; & Fig. 13); the additional information having a data portion that includes a payload (track properties in ID3 tag) and a header portion that includes information associated with the payload (tag field "TAG")(col. 14, l. 28-46);
- a control unit which determines whether user preset key information is included in the payload portion of the additional information (col. 13, l. 47-65 & col. 14, l. 10-21), the user preset key information being determined to be included in the payload portion when the user preset key information itself is included in the payload portion (if the criteria is artist "Beatles" and there is only the artist property in the file and it matches as "Beatles," the track is stored)(col. 13, l. 46-65; col. 14, l. 20-26; & col. 15,

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- l. 33-42) and when a variation of the user preset key information is included in the payload portion (if the criteria is artist “Beatles” and there are multiple properties, including artist “Beatles,” as well as album title, genre, etc., the track is stored regardless of these additional properties)(col. 13, l. 46-65; col. 14, l. 20-26; & col. 15, l. 33-42);
- a communications unit (which transfers the additional information to an external device (selected device) only if said control unit determines that the preset key information is included in the payload portion of the additional information (col. 13, l. 30-32 & col. 14, l. 20-26); and
 - said control unit deleting the additional information if the user preset key information is determined not to be included in the payload portion of the additional information (if there is no match, the track is not stored in the playlist)(col. 14, 20-26 & Fig. 20).

Benyamin et al. does not specifically disclose that the additional information is received from a receiver that receives a digital radio broadcast. Patsiokas discloses a satellite radio receiver which receives music multiplexed with a content identification header (col. 4, l. 31-41).

Patsiokas further discloses determining whether to store the content identification header based on user preferences (col. 6, l. 48-64). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Benyamin et al. to receive satellite radio and determine whether to store identifiers for a satellite radio selection, such as that taught by Patsiokas in order to provide access to a greater amount of content.

Referring to claim **29**, the combination of Benyamin et al. and Patsiokas teaches the receiver according to claim 26, wherein said communications unit transfers, in addition to the

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additional information including the key information, main information of the associated program to the external device if the key information is determined to be included in the payload portion of the additional information (file includes ID3 tag and the audio content)(col. 13, l. 30-32 & col. 14, l. 10-29). The combination of Benyamin et al. and Patsiokas does not specifically teach that the main information of the associated program is transferred to the external device if key information is determined to be included in the header portion of the additional information. Patsiokas discloses searching for a recordability flag when a user indicates a desire to record a song (col. 4, l. 48-64). If the recordability flag permits recording, the identifying code pertaining to the selection currently being played or displayed is stored without the flag so that the user can later order the selections (col. 4, l. 57-64 & col. 6, l. 47-50, 59-61). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the track transferring method of Benyamin et al. to also search a recordability header when a user desires to record and transfer content, such as that taught by Patsiokas in order to prevent the user from violating the rights of the content providers and/or artists (Patsiokas col. 1, l. 49-53).

Referring to claim **30**, the combination of Benyamin et al. and Patsiokas teaches the receiver according to claim 26, wherein said receiver unit also receives further additional information of a program other than the program being received (other tracks are searched)(Benyamin et al. Fig. 20).

Referring to claim **31**, the combination of Benyamin et al. and Patsiokas teaches the receiver according to claim 26, further comprising a display unit (monitor)(Benyamin et al. Fig. 1), wherein said communications unit receives the payload of the data portion of the additional information from the external device via said communications unit (through synchronization

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process)(Benyamin et al. col. 16, l. 59-67; col. 17, l. 1-16; & Fig. 19), the received payload of the data portion of the additional information being displayed on said display unit (tracks are displayed in GUI)(Benyamin et al. col. 17, l. 1-16).

Referring to claim **32**, the combination of Benyamin et al. and Patsiokas teaches the receiver according to claim 26, further comprising storage means for storing the additional information, wherein the additional information is stored in said storage means if said control unit determines that the key information is included in the payload portion of the additional information (Benyamin et al. col. 14, l. 20-26), and said communications unit transfers the stored additional information to the external device at a predetermined timing (after a request to synchronize)(Benyamin et al. col. 16, l. 59-67; col. 17, l. 1-2; & Fig. 19). The combination of Benyamin et al. and Patsiokas does not specifically teach that the additional information is stored in said storage means if said control unit determines that the key information is included in the header portion of the additional information. Patsiokas discloses searching for a recordability flag when a user indicates a desire to record a song (col. 4, l. 48-64). If the recordability flag permits recording, the identifying code pertaining to the selection currently being played or displayed is stored without the flag so that the user can later order the selections (col. 4, l. 57-64 & col. 6, l. 47-50, 59-61). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the track transferring method of Benyamin et al. to also search a recordability header when a user desires to record and transfer content, such as that taught by Patsiokas in order to prevent the user from violating the rights of the content providers and/or artists (Patsiokas col. 1, l. 49-53).

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Referring to claim **33**, the combination of Benyamin et al. and Patsiokas teaches the receiver according to claim 26, further comprising storage means for storing the additional information, wherein the additional information is stored in said storage means if said control unit determines that the key information is included in the payload portion of the additional information (Benyamin et al. col. 14, l. 20-26), and the additional information is deleted from said storage means after said communications unit transfers the additional information to the external device (the user can remove tracks from the playlist after transferring them to the disk cartridge)(Benyamin et al. col. 12, l. 51-55 & col. 16, l. 59-67). The combination of Benyamin et al. and Patsiokas does not specifically teach storing the additional information in storage means if it is determined that the key information is included in the header portion of the additional information. Patsiokas discloses searching for a recordability flag when a user indicates a desire to record a song (col. 4, l. 48-64). If the recordability flag permits recording, the identifying code pertaining to the selection currently being played or displayed is stored without the flag so that the user can later order the selections (col. 4, l. 57-64 & col. 6, l. 47-50, 59-61). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the track transferring method of Benyamin et al. to also search a recordability header when a user desires to record and transfer content, such as that taught by Patsiokas in order to prevent the user from violating the rights of the content providers and/or artists (Patsiokas col. 1, l. 49-53).

Referring to claim **34**, Benyamin et al. discloses an information processing terminal, comprising:

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- a data communications unit which receives additional information from song tracks in which additional information is multiplexed with an audio program (col. 8, l. 4-13; col. 14, l. 28-46; & Fig. 13); said additional information having a data portion that includes a payload (track properties in ID3 tag) and a header portion that includes information associated with the payload (tag field "TAG")(col. 14, l. 28-46);
- a control unit which determines whether user preset key information is included in the additional information (col. 13, l. 47-65 & col. 14, l. 10-21), the user preset key information being determined to be included in the payload portion when the user preset key information itself is included in the payload portion (if the criteria is artist "Beatles" and there is only the artist property in the file and it matches as "Beatles," the track is stored)(col. 13, l. 46-65; col. 14, l. 20-26; & col. 15, l. 33-42) and when a variation of the user preset key information is included in the payload portion (if the criteria is artist "Beatles" and there are multiple properties, including artist "Beatles," as well as album title, genre, etc., the track is stored regardless of these additional properties)(col. 13, l. 46-65; col. 14, l. 20-26; & col. 15, l. 33-42);
- storage means which stores, from the additional information, the payload of the data portion thereof in a storage medium only if said control unit determines that the user preset key information is included in the payload portion of the additional information (col. 14, l. 20-26); and
- said control unit deleting the additional information if the user preset key information is determined not to be included in the payload portion of the additional information (if there is no match, the track is not stored in the playlist)(col. 14, 20-26 & Fig. 20).

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Benyamin et al. does not specifically disclose that the additional information is received from a receiver that receives a digital radio broadcast. Patsiokas discloses a satellite radio receiver which receives music multiplexed with a content identification header (col. 4, l. 31-41).

Patsiokas further discloses determining whether to store the content identification header based on user preferences (col. 6, l. 48-64). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Benyamin et al. to receive satellite radio and determine whether to store identifiers for a satellite radio selection, such as that taught by Patsiokas in order to provide access to a greater amount of content.

The combination of Benyamin et al. and Patsiokas does not specifically teach that only the payload of the additional information is stored if the user preset key information exists. Patsiokas discloses storing only song properties and not additional data in the header when user preferences dictate storing the content identification header (col. 6, l. 47-50, 59-61). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the storing of the entire ID3 tag, including the tag field of Benyamin et al. to only store the song properties, such as that taught by Patsiokas in order to save storage space (Patsiokas col. 6, l. 38-50).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Van Handel/
Primary Examiner, Art Unit 2424

8/16/2010